

1  
2  
3  
4  
5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT SEATTLE

8 RAJ KUMAR,

9 Plaintiff,

10 v.

11 CONVENIENCE RETAILERS LLC, *et al.*,

12 Defendants.  
13

No. C16-0364RSL

ORDER REGARDING PLAINTIFF'S  
MOTIONS IN LIMINE

14 This matter comes before the Court on "Plaintiff's Motions in Limine." Dkt. # 23. Having  
15 reviewed the memoranda, declaration, and exhibit submitted by the parties, the Court finds as  
16 follows:

17 **(1) Voir Dire**

18 The procedures used during voir dire will be discussed at the pretrial conference.

19 **(2) Admissibility of Witness Statements**

20 Plaintiff seeks a pretrial determination that he may testify regarding statements Raveen  
21 Lal, Raj Prasaad, and Jose Muchaca made to him. Although it seems likely that plaintiff will be  
22 able to lay a sufficient foundation for the admission of the out-of-court statements of defendant's  
23 employees, the Court reserves this issue for trial.

24 **(3) Medical Record**

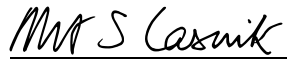
25 In his pretrial statement, plaintiff identified an August 2015 medical record in which Dr.  
26 Sharma notes that plaintiff "seem[s] to have stress related to the job loss" that may be causing

ORDER REGARDING PLAINTIFF'S  
MOTIONS IN LIMINE

1 insomnia and elevated blood sugar levels. Decl. of C.N. Coby Cohen (Dkt. # 26), Ex. 5. For the  
2 reasons discussed in the “Order Granting in Part Defendant’s Motions in Limine,” Dr. Sharma  
3 will not testify at trial, and plaintiff cannot rely on the medical record itself to prove the truth of  
4 the matters asserted therein. The document may, however, be admissible if plaintiff’s credibility  
5 is challenged and he uses the document to rebut an express or implied charge that he recently  
6 fabricated his complaint of stress.

7  
8 For all of the foregoing reasons, plaintiff’s motions in limine are DENIED in part and  
9 otherwise reserved.

10 Dated this 27th day of October, 2017.

11  
12   
13 \_\_\_\_\_  
14 Robert S. Lasnik  
15 United States District Judge  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26